

Introduced by Senator Romero

February 21, 2006

An act to add Sections 1719.7 and 1731.9 to the Welfare and Institutions Code, relating to the Division of Juvenile Justice.

LEGISLATIVE COUNSEL'S DIGEST

SB 1373, as introduced, Romero. Division of Juvenile Justice: parole: construction dates.

Existing law vests within the Division of Juvenile Justice all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the former Youth Authority. The Division of Juvenile Justice consists of the Division of Juvenile Facilities, the Division of Juvenile Programs, and the Division of Juvenile Parole Operations under the Chief Deputy of Juvenile Justice.

Existing law requires the Board of Parole Hearings to exercise powers and duties related to parole orders and conditions and the revocation or suspension of parole. The Division of Juvenile Facilities sets the initial parole consideration dates for wards.

This bill would limit the number of days that the Division of Juvenile Justice could add onto a ward's initial parole consideration time, as specified, and would require the division to make quarterly reports to the Legislature in that regard. The bill would also require the division to implement a good time credit system, by July 1, 2007, and would impose similar reporting requirements.

This bill would also require the Division of Juvenile Justice, by February 1, 2007, to provide the Legislature with an analysis and report on the system of offender classification and parole consideration date and deviation guidelines as currently authorized and described under existing provisions of law and regulations, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The deficiencies of the California youth corrections system
4 have been persuasively documented by the expert reports,
5 consent decree, and stipulations in the *Farrell v. Hickman* (Super.
6 Ct. Alameda County, 2003, No.03079344) litigation, as well as
7 by the reports of the California Inspector General and by the
8 testimony of witnesses in legislative hearings on the Youth
9 Authority and its successor agency, the Division of Juvenile
10 Justice. These deficiencies include insufficient program capacity,
11 outmoded facilities, substandard conditions of confinement, high
12 rates of ward violence, injury and death, and high parole failure
13 rates.

14 (b) The cost of institutionalization in the Division of Juvenile
15 Justice exceeded ninety thousand dollars (\$90,000) per ward per
16 year in 2005. The total cost to the citizens of California
17 maintaining the Division of Juvenile Justice, as presently
18 constituted, is excessive.

19 (c) Present planning efforts by the Division of Juvenile Justice
20 to improve programs and conditions and to comply with the
21 consent decree in *Farrell v. Hickman* (Super. Ct. Alameda
22 County, 2003, No.03079344), and with the Legislature's
23 planning directives in the fiscal year 2005–06 Budget Act, are
24 unlikely to produce significant results for more than a fraction of
25 the projected division population within the next five years.

26 (d) Conditions, programs, and outcomes for Division of
27 Juvenile Justice wards can be improved more quickly and
28 efficiently and at lower cost to the state if the institutional
29 population of the division can safely be reduced.

30 (e) The institutional population of the Division of Juvenile
31 Justice, even with recent declines, is sustained at artificially high
32 levels by outmoded policies and practices affecting the
33 commitment of wards to the division and the institutional time
34 served by these wards. These policies and practices include
35 excessive time-adds for discipline and program failures, the

1 absence of a good time credit system for the mainstream
2 population, long presumptive sentences for listed offenses
3 (parole consideration dates) that were steadily expanded by the
4 former Youthful Offender Parole Board, high rates of
5 recommitment for technical parole violators, and a policy of
6 accepting commitments of wards with lower-severity offenses
7 from counties willing to pay a portion of the institutional cost.

8 (f) The institutional population of the Division of Juvenile
9 Justice can safely be reduced, with substantial prospective
10 benefits in state cost and ward and public safety outcomes, by
11 adjusting these commitment and length-of-stay policies and
12 practices.

13 (g) There is an urgent need to define, adjust, and lower the
14 Division of Juvenile Justice population to levels that are more
15 consistent with state resources and with state corrections
16 capacities, goals, and objectives.

17 SEC. 2. Section 1719.7 is added to the Welfare and
18 Institutions Code, to read:

19 1719.7. (a) On and after January 1, 2007, the net time added
20 for any reason by the Division of Juvenile Justice to all ward
21 parole consideration dates assigned upon commitment shall not
22 exceed an average of one month per ward per calendar year. This
23 shall not be construed as a limitation on the time that may be
24 added to the parole consideration date of any individual ward in
25 conformity with any other provision of law.

26 (b) The Division of Juvenile Justice shall submit quarterly
27 reports to the Legislature indicating the number of wards whose
28 initial parole consideration dates have been extended or reduced
29 for any reason, the average time extension or time credit per
30 ward, and the net average time-add or credit per ward. Within 45
31 days of the end of any calendar year, the division shall also
32 submit to the Legislature a report containing that same
33 information in annualized figures and format for that calendar
34 year.

35 (c) On or before July 1, 2007, the Division of Juvenile Justice
36 shall implement a good time credit system that will entitle any
37 institutionalized ward who meets specific personal or program
38 standards of good behavior to credits reducing the confinement
39 time remaining until his or her initial or modified parole
40 consideration date.

(d) On or before December 1, 2007, the Division of Juvenile Justice shall provide the Legislature with a report describing at least three optional proposals for the good time credit system described in subdivision (b). These options shall include descriptions of the proposed behavior or program standards that will qualify wards for credits, the proposed amount of credit to be earned against the release date, the criteria, if any, for canceling or subtracting the credits, and the estimated impact of each option on the state youth correctional population over 10 years of implementation.

SEC. 3. Section 1731.9 is added to the Welfare and Institutions Code, to read:

1731.9. (a) On or before February 1, 2007, the Division of Juvenile Justice shall provide the Legislature with an analysis and report on the system of offender classification and parole consideration date and deviation guidelines as currently authorized by Section 1731.8, and as described in Sections 4951 to 4957, inclusive, and in subdivision (i) of Section 4945 of Title 15 of the California Code of Regulations. The report shall include all of the following:

(1) An analysis of the relationship of the institutional time served by wards to ward recidivism rates by offender category for the last 10 years for which this data is available.

(2) An analysis of the institutional time served by juvenile offenders committed to state youth correctional systems in other states, in comparison to the time served by these offenders in the California state youth corrections system. This analysis shall include specific information on the average institutional time served by juvenile offenders in at least 15 other states selected for the similarity of their juvenile offender population with that of California.

(3) Options and recommendations for adjusting offender classifications and parole consideration dates to reduce the average institutional time now served by wards in the Division of Juvenile Justice to levels that more closely approximates national youth sentencing norms and in a manner that is consistent with public safety as measured by ward recidivism rates.

(4) Estimates of the effects of the adjusted offender classifications or parole consideration dates on the future

1 populations of the facilities of the Division of Juvenile Justice
2 over a 10-year period.
3 (b) The report shall be researched and prepared with input
4 from informed juvenile and criminal justice system experts and
5 stakeholders in California.

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